

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TSILYA DONSKIKH,

**COMPLAINT**

Plaintiff,

-against-

JURY TRIAL DEMANDED

UNITED STATES OF AMERICA,

Defendant.

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Plaintiff, TSILYA DONSKIKH, by and through her attorneys, KARASIK LAW GROUP, PC, complaining of the Defendant herein, respectfully shows the Court and alleges:

**PRELIMINARY STATEMENT**

1. This is a civil action in which the Plaintiff, TSILYA DONSKIKH, seeks for serious personal injuries sustained due to the negligence of the Defendant, UNITED STATES OF AMERICA, as the result of a motor vehicle accident which occurred on September 12, 2021. The Plaintiff seeks compensatory damages, affirmative and equitable relief, an award of costs and interest, and such other and further relief as this Court deems just and proper.

**JURISDICTION**

2. Plaintiff, TSILYA DONSKIKH (hereinafter, "DONSKIKH"), was and still is a resident and a citizen of Kings County, State of New York.

3. Claims herein are brought against the United States of America pursuant to 28 U.S.C. §2671, et sec and 28 U.S.C. §1346(b) for money damages as compensation for personal injuries that were caused by the negligence and wrongdoing acts and omissions of an employee of the United States of America government while acting within the scope of her office and employment under the

circumstances where the United States, if a private person, could be liable to plaintiff in accordance with the laws of the State of New York.

4. Plaintiff fully complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act.

5. Plaintiff served a notice of claim upon the United States Postal Service on November 29, 2021.

6. The claim was subsequently denied by the United States Postal Service via correspondence dated September 6, 2022 from Javier Soto-Arocho, Tort Claims Examiner/Adjudicator. This action is being commenced within six months of the denial of claim.

#### **VENUE**

7. Venue herein is proper for the United States District Court for the Eastern District of New York pursuant to 28 U.S.C. §1391(a), (b) and (e). Substantial part of the events occurred in the Eastern District of New York and arose out of serious, severe and permanent injuries sustained by plaintiff in result of a motor vehicle accident which occurred on September 12, 2021 in the County of Kings, City and State of New York, due to the negligence of Margarreth Cine Taylor, an employee of the United States Postal Service, in the operation of a certain box truck registered to the United States Postal Service.

#### **JURY TRIAL DEMAND**

8. Plaintiff demands a trial by jury of all issues in this action that are triable.

#### **AS AND FOR A CAUSE OF ACTION AGAINST DEFENDANT** **(For Personal Injuries)**

9. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

10. On or about September 12, 2021, and at all times herein mentioned, Plaintiff DONSKIKH, was the registered owner and operator of 2013 Lexus bearing New York State license plate number KJG4525.

11. Upon information and belief, at all times herein mentioned, Margarreth Cine Taylor was the operator of a certain United States Postal Service box truck.

12. Upon information and belief, at all times herein mentioned, the United States Postal Service was the registered owner of a certain box truck operated by Margarreth Cine Taylor.

13. Upon information and belief, at all times herein mentioned, Margarreth Cine Taylor operated said United States Postal Service box truck while in the course of her employment with the United States Postal Service.

14. On or about September 12, 2021, and at all times herein mentioned, Avenue Z between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street, County of Kings, State of New York, was and remains a public roadway, street and/or thoroughfare.

15. On or about September 12, 2021, at approximately 1:15PM, the aforementioned United States Postal Service box truck operated by Margarreth Cine Taylor, while reversing, struck the front of plaintiff's vehicle, which was stopped and parked with plaintiff occupying driver's seat.

16. As a result of the occurrence, Plaintiff DONSKIKH was seriously injured.

17. The aforesaid occurrence was caused wholly and solely by reason of the carelessness and negligence of Defendant stemming from the ownership, use, operation, and control of the box truck, and through no fault on any part of the Plaintiff DONSKIKH.

18. The negligence of the Defendant, consisted of, but not limited to, ownership of the aforementioned motor vehicle; operating the aforementioned motor vehicle in negligent and careless

manner; failing to keep the aforementioned motor vehicle under reasonable and proper control; failing to operate the aforementioned motor vehicle with due regard for the safety of the public and others; failing to keep a proper lookout; failing to observe what was available to be observed; operating the aforementioned motor vehicle in a manner contrary to, and in violation of, the statutes, ordinances, rules and regulations applicable and in existence on the date of the occurrence; failing to provide and/or make prompt and timely use of adequate and efficient brake and steering mechanisms; operating the aforementioned motor vehicle in such a negligent and careless manner as to precipitate the aforesaid occurrence; failing to take defensive action and failing to maintain a safe and sufficient distance between vehicles.

19. By reason for the foregoing, Plaintiff DONSKIKH has sustained serious injuries, harmful and permanent injuries to body as defined by Section 5102 of the Insurance Law.

20. By reason of the foregoing, Plaintiff DONSKIKH, has been damaged in an amount of \$520,000.00.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount of \$520,000.00 and for such other and further relief as this court may deem just and proper.

Dated: September 15, 2022  
Brooklyn, New York

Yours, etc.

KARASIK LAW GROUP, PC

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